

DRAFT

INTRODUCTION/READING GUIDE FOR THE INVENTORY

The following is intended as background and guidance when reading the California Integrated Waste Management Board's (Board) Inventory of Facilities Which Violate State Minimum Standards (Inventory). The Board is required to update and publish the Inventory twice annually pursuant to Public Resources Code (PRC) Section 44104.

What is the Inventory? The Inventory is a list of solid waste facilities in the state of California which are violating the State Minimum Standards for solid waste handling and disposal. These state minimum standards regulate the design and operation of those solid waste facilities in order to protect public health and safety and the environment.

How does a facility get placed in the Inventory? Three steps must be taken as part of due process in placing a facility in the Inventory.

Step One: Local Enforcement Agency (LEA) documents in two consecutive monthly inspection reports violations of one or more standards identified as "state minimum standards" for solid waste handling and disposal in Title 14 or Title 27, California Code of Regulations (14 CCR or 27 CCR).

Step Two: When Board staff note at least one violation for two consecutive months, they send a letter to the operator of such a facility, notifying them of the Board's intent to place the facility in the Inventory if the violations are not corrected within 90 days of receipt of the notice. Those letters are referred to as "Notices of Intent" or NOIs.

Step Three: On or after the 90th day subsequent to operator's receipt of the NOI, if one or more of the violations noticed have not been corrected as documented in an inspection report submitted by the LEA, then Board staff will send another letter to the operator, telling them that their facility has been placed in the Inventory. Letters telling an operator that a facility is in the Inventory are referred to as "Inclusion Letters". Board staff may consult with the LEA verbally before sending out either an NOI or an Inclusion Letter to make sure that each is based on accurate and up-to-date information.

Following are explanations of the data in each of the columns on the Inventory:

<u>COLUMN</u>	<u>EXPLANATION</u>
1	This column shows the Local Enforcement Agency jurisdiction the facility is in.
2	This column contains the solid waste information system (SWIS) number assigned to a facility. SWIS is an information database on solid waste

activities conducted in the State of California maintained by the Board.

COLUMN

EXPLANATION

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| 3 | This column contains the name of the facility, which generally includes the type of facility. |
| 4 | This column gives the 14 CCR and/or the 27 CCR section number that is being violated as a state minimum standard. Standards defined as state minimum standards under 27 CCR Section 20164, and/or those listed under 14 CCR Chapter 3 are considered state minimum standards for purposes of the Inventory. For disposal facilities there may be a 14 CCR regulation number followed by a forward slash and then a 27 CCR number. In those cases a facility was placed in the Inventory under the 14 CCR regulation number before the effective date (July 18, 1997) of the equivalent 27 CCR regulation number. |
| 5 | This column gives the name of the standard being violated. Again, some entries will have two regulation names for the same reason they have two regulation numbers as is explained above for column 4. |
| 6 | This column describes any administrative enforcement action the Local Enforcement Agency (LEA) has taken to get the operator to correct the violation(s) for which the facility is in the Inventory. The minimum enforcement response dictated by PRC § 44106 is for the LEA to develop a compliance schedule for the operator to ensure that diligent progress is made in correcting the violations. Another common action type is the issuing of a formal Enforcement Order. This may take the form of a Notice and Order (N&O) which unilaterally orders the operator to correct each violation by a date certain and puts them on notice that failure to comply may result in more serious enforcement actions such as fines or some type of court action. A stipulated order of compliance and agreement (STIP) is similar to a N&O, except that it embodies an agreement between the operator and the LEA to take certain actions by a specified date, rather than a unilateral order to do so. This type of action also includes more serious enforcement remedies that the LEA may take if the operator should fail to abide by the agreement. |
| 7 | This column contains the final compliance date specified by the LEA in the administrative enforcement action it took for correction of each standard being violated. If the LEA did not address the particular standard in the action it took, or it took no action at all, then the entry in the column will be blank. |

Should an interested reader like to request more information regarding one of the sites on the Inventory, they should call the Enforcement Branch at (916) 255-2285.